A

Residency

1883

Flews: 167 of 1883

Slips 36 to 73 and 76 68 to 73

File No. 167

1983

Collection No.

14/6/67 Mysore Residency.

Pros. Serial Nos. 36 to 73 } and 76.
68-73 }

21

Subject.

maintenance of the mosque belonging to the Cubbon Bunes which have ceased to be in military occupation.

Previous References.

Later References.

7 195 of 1889
7 375 of 1889
7 392 of 1908

HPC—FP—725DCF—S&P—(G-1576)—14-3-28—60,000.

Reby (L) Rd No 167
Sl No 86 to 73 and 76
66 to 73

Office Note.

1883

Margin not to be written on.

File No. 167 / 1883

Letter No—— dated 21 April 1915

from the Manager, Co of Station Bangalore.

SUBJECT.

Enquiry in the Lubbock case.

The Manager's letter may be sent to the Station Staff Officer, Bangalore, for the consideration of the G.O.C. Draft sent for approval

A.S. 20/4/15 AS 22/4

MBW 26/4

A.37 Issued No. 2923. dated the 28-4-1915.

A.38 Letter N. 295.24.Q, of the 8: May 1915, from the Station Staff Officer, Bangalore. Draft submitted for approval.

H 14/5/15

MBW 11/5

A.39 Issued No. 33028 / 12th May 1915.

S. 1.—R. P. B.—2-1914.—10,000

Margin finding to be written on.

(2)

Office Note.

File No. 392 / 1916

Letter No. — *dated* 20th May 1916

from Syed. Abdul Gaffar Khadri, Govt. Sirkhaji.

SUBJECT.

Asking for an interview with Resident.

(1) Syed Shah Abdul Gaffar Sahib was appointed as Kazi for the C. & Mo. Station of Bangalore in Resident's Notification No: 4072, dated the 24th July 1905. He was accorded an interview by Sir Hugh Daly on the 24th January 1916.

Submitted for orders.

JN 23-5-16. AS 23/5

Sl. 19. F Coy E. Flag N.

(2) Please answer, and say that Resdt is at present on tour when he returns his request for an interview will be complied with.

Resdt notice

Sin 24.5.16.

Draft submitted for approval.

JN 24-5-16. AS 24/5

NB: File to be put up on the return of the Resident

Sl 41

Issued 26.5.16

P. T. 6

P. P. B.—2-1914.—10 000

Submitted.

(2)

4-6-16. 5/6

Margin for binding not to be written on.

(3)

Read:

From page (1)

Con. G. G. 6.

I will see the Magician tomorrow at 12 noon. Please remind me

HVC
7.VI

Draft submitted for approval.

7-6-16. 7/6.

Issued 9-6-1916

Read:

Con. 9.VI.16.

(4)

I have seen the Khan Aptamedy
Mr. Vanderlim has occasionally visited
some of his Uncle's wickedness.
will (Signed) E. A. R., when he has time, kindly
beg I do the same?

HVC
10.VI

Hill
16.6.16

Notes-continued

Margin for binding not to be written on.

Letter dated the 14th April 1919 from Sir Khaja Moulvi Abdul Gafoor Sahib, Bangalore

S.43

(1) Please see pl 19 of File 167 of 1883 (Flag E) and the office notes in paras 1 to 4 Sir Khaja Moulvai Abdul Gaffoor Saheb wants an interview with the Honble the Resident He was accorded an interview by Mr. Cobb on 10th June 1917. Submitted for orders

T. N. Thungavelu
Mundaliar.
15-4-19.

A° 15/4

Resident

Hrc
C.. 4

(6) Saturday at 12 noon

Hrc
16.iv

(7) Have written to inform him

17.4 Hrc

(8) I have seen his application and

what he wishes to impress

Hrc
20.iv.

S.44 Letter dy 28.2.1920 from Sir Khaja Abdul Gaffoor Kadri

(9) Please see paras 5-8 supra and the D.O. Sir Khaja Abdul Gaffoor Saheb wants an interview with the Resident. Submitted for orders.

A° 1/10

J.R. 4/3/20

Resident

7/3/20.

(10)

Margin for binding not to be written on.

I must request that I am
[illegible] may [illegible] to [illegible]
[illegible] I may change to
[illegible] [illegible]
[illegible] to [illegible]
a message of [illegible]
[illegible].

5.iii

Draft ruled for approval.

9/5/3

9.M
5/3/20.

Issued No. 2013 & 6.3.1920. 5,45.

Letter dated the 15th March 1920 from Sl.46.
Seer Kazi Hajee Shah Syed Abdul Ghaffar Kadri.

(11)

Syed Shah Abdul Ghaffar Sahib was appointed as Kazi for the C.+M. Station of Bangalore in Resident's Notification No: 4072, dated the 24th July 1905. He was accorded an interview by Mr. Cobb. Vide Sl.42 and the office notes in paras 4 to 6. He wants an interview with the Hon. Mr. W. F. Barton, C.I.E., I.C.S..

Flag D

Submitted for orders.

T. N Thimgavelu Mudaliar 17-3-20.

R 17/3

19/3/20.

Resident

Asst Secy

Hon'ble Member

(6)

[illegible] [illegible]. I am
[illegible] [illegible] [illegible].

[illegible]

19/3

Resident

In reference to your orders above,
please see L.V.C. I & II
[illegible].

L.D.
30/3/20.

Resident
This was linked with the Intelligence
report. file of Report as a reference
to the D. In's current report was
necessary in dealing with this matter
It includes excerpts from letters and
a enclosures / return them herewith
for favour of notes.

L.D.
31/3/20

I am sorry for the [illegible].
I will see the Jor Gen —
Sunday at 10 30 if [illegible]
will [illegible]

1/4
Draft submitted
Sd 4)

Issued No 308483/1/G20
1-4-20

(7)

Notes-continued

Collector + District Magte

Margin for binding not to be written on.

As instructed by the 7 A.R.

I send herewith

(1) Criminal Law Amendment Act, 1908

(2) Devolution Act 1920.

R (3) Sl: 19 file 167 of 1883 re appointment of Kazi

(4) Kazis Act, 1880

Kindly return to this office when done with

B.S. 13/12

XVIII : 7 1919

(3)

A.L.B.C.

Returned with thanks

13.12.20

Margin for binding left to be written on.

File No. 167/1883.

Office Note.

Letter No. 1788 dated the 6th August 1921

from the Dist and Sessions Judge, Cuddapah,

SUBJECT.

Summons for the production of public documents.

There are no records in the Resident's Court on the subject.

For the first document required to be produced, please see Sl. No. 19 of F. 167/1883.

A copy of the same may be caused to be produced. It is a public document as defined in Section 74 (7) (iii) of the Indian Evidence Act, 1872. It has been published in the Gazette of India.

The papers connected with it may also be taken to this Court.

Govindaraja Narasimha Iyengar, the Assistant Record keeper may be directed to produce the papers on or before the 13th August 1921 in the District Court.

Vide O. 16, R. 6 of the Civil Procedure Code.

The second document required to be produced is not in the records of the office.

There is an application by Khazi Shah Abdul Khudous praying that his son may be appointed as Khazi.

The original summons may be returned signed by the Registrar and returned to the District Court.

Submitted for orders.

CNS 9/8/21.

As above

AS 9/8

⊗ original summons returned to Chief Clerk, District Court. on 10-8-1921.

CM 10/8/21

S. I.—R. P. B.—5-1920.—6,000.

10742

Mr. Peris.

Would you kindly send me over the file connected with this paper..for reference in disposing of this case.?

26/9

District Magistrate & Justice of the Peace,
Civil & Military Station, Bangalore.

File submitted Please see GO 50 of Sep

26/9

Thanks. As the land is likely to come into possession of the Municipal Commission, and as the SirKhazi is mixed up with non-cooperation; I should like to be consulted before any correspondence affecting the Station is sent to him.

This note might be filed for future reference with these papers.

26/9

(10)

Margin binding to be written on.

Office Note.

File No. 167/1883.

Letter No. 1884 dated the 15th June 1922

S.55. from the Dist. Magte., C.T.R. Vizagapatam.

SUBJECT.

Re. the mosque belonging to the Cubbon Lines.

(1) Please see Rs. 50, 52 & 53 of the C. W.C.

In September 1921, the Acting Sub Khazi applied

S.50. for permission to take over charge of the mosque belonging to the Cubbon Lines till such time as the garrison of any Regiment is stationed.

The Military Authorities who were consulted in

S.52 the matter intimated that the Deputy Commissioner of the station had been deputed to deal with the question of handing over the mosque.

The District Magte has now come forward with his proposals in C. W.C. of the Military Authorities may be consulted in the matter.

Draft submitted

C.R.S. 20/6/22 N 2 20/6

Returned

(2) Please see the papers cited in the office note above. Is any of the Deputy Commissioner's issue? Since the death of the late Sub Qazi no Sub Qazi has been appointed in his place so far as I am aware.

21.6.22 N 2 | 6

S. 56. S. 1.—E. P. B.—5-1920.—6,000.

Issued no. 5198 & 24th June 1922

(11)

Memo No. 150/9/Q, dated the 26th June 1922, from the Staff Captain, Bangalore Brigade area. S. 57.

Please see S.S. 55 & 56 ante. and paras 1 & 2 of the office note overleaf.

Draft submit.

C.S.S. 28/6/22 VAS 28/6

Submit

JJ 30/6

Vide 11?

Issued No 52/48/4.7.22 dt 5/8

Letter No. 3358/22/1 dated the 24th Oct. 22, from the Collector, East Khandesh

Please see S.S. 55 + 58.

The Collector recommends that a monthly grant of Rs 25 may be sanctioned to meet the cost of the establishment for the maintenance of the engine which may be constructed by approved

Draft submit.

C.S.S. 28/11/22 VAS 28/11

President JJ 29/11.

for the reasons stated in the letter of the Collector of East Khandesh dated the 24th October 1922 I am of opinion that the proposal should not be sanctioned.

29/11

(12)

Notes-*continued*

Margin for binding not to be written on.

Please see para 5 of the office notes overleaf.
No precedent can be found.
Draft submitted.
C.M.S. 11/12/22
A.D. 11/12

S.60. Issued no. 9811 & 13.12.1922

Margin for binding not to be written on.

File No. 167/83.

S.61

(13)

Office Note.

Petition Letter No. 80 dated the 28th January 1923 from the retired IVth Military officers.

SUBJECT.

Regarding the Mosque in the Cubbon Lines.

Resident's note on the P. No.

"Ask the Collector to let me have a brief note on the position as regards the encroachment and the merits of the claim.

(Init) W.F.B/28/1."

The petition may, if approved, be sent to the Collector with the following endt:—

"

No. 912
31.1.1923

Forwarded to the C.O.W., C. & M. Stn. Bangalore, with the request that the Resident may be favoured with a brief note on the position as regards the mosque, and the merits of the claim."

W.F.B. 29/1/23

Init 29/1

S.62

Letter No. 6937, dated the 1st Feby 1923, from the C.O.W., C. & M. Stn.

(2)

Please see Rs. 55, 58, 59 & 60, 61 & L.R. (62)

The C.O.W. says that a meeting of the Local Muhammadans was convened on the 29th Jan'y 1923 and that they agreed to the mosque being managed by Hon. Capt. Abdul Hafiz Sahib Bahadur with the assistance of a Committee and to the necessary expenses being met from funds collected in the shape of donations and private subscriptions.

He further states that S. 61 has been forbidden at the

S. I.—E. P. B.—6-1926.—10,000.

(1)

Margin for binding not to be written on.

at the instigation of certain Non-cooperators.

Submitted.

C.R.S.
3/2/23.

The signatories of the petition (3.61) (2)
consist of pensioned sepoys. They allege that they received no notice of the meeting held on the 29.1.23. It is impossible to serve notices on each Mahomedan of the locality, but the Mahomedans could have been notified by beat of tom-tom + possibly in a Mahomedan newspaper. It is not known whether this was done. Perhaps an enquiry may be made

A.S.
5/2. Who is the person referred to in para 11 (4)
(the petition)? Is he a Mahomedan?

B
6/2

This information is not available (5)
in office. May Collector be asked?

A.S.
6/2 M.S. R.D.
7/2.

Draft submitted.

C.R.S.
7/2/23. A.S.
7/2

Issued N° 11439 8-2-23

gl
63

Notes-continued

Margin for binding not to be written on.

(17)

5.68 Petition, recd on the 30th July 1924, from Khaja Syed Abdul Khudalus.

(11) If approved, the petition may be sent to the Collector for favour of remarks.

Draft submd

C.A.S.
2/8/24

Any dispute as to the Muttawallishipin question should be settled in a Court of law. The Residency cannot interfere in the matter. A reply to this effect may be sent accordingly. There is nothing to consult the Collector about.

A.S
4/8

Resd.

Matter
5/8/24

H.W.
6.8.24.

M
6/8

Draft submd

C.A.S.
6/8/24.

A.S
6/8.

M
7/8.

5.69. Issued no. 62988 8.8.'24

(19)

Petition ~~of~~ dated the 26th August 1924, from Peer Syed Hyder Shah Khadri.

S.70.

Margin for binding not to be written on.

Please see Srs. 68 & 69.

Khaji Syed Abdul Khuddus was informed that any dispute with regard to the Mutwallishp of the Mosque should be Settled in a Court of Law and that the Resident could not interfere in the matter on the executive side.

It is said that the Collector of the Station passed an ex parte order giving his consent to file a scheme suit in respect of the Mosque. The petitioner prays that the order may be set aside by the Resident.

It seems that he should seek his remedy in a Court of Law and that the Resident cannot interfere in the matter.

If approved, he may be informed accordingly.

C.N.B.
27/8/24.

(114)

There seems to be a dispute to the Mutwallishp of Jama Mosque in the Station, the contending parties being Khaji Syed Abdul Khuddus and Peer Syed Hyder Shah Khadri. In reply to a petition presented by the former he was told that the dispute should be settled in a court of law. This was on 8.3.24. Now it appears that the Collector had previously under Section 93 of the Code of Civil Procedure granted to Haji Syed

S.68

S.68

Ahmad

Notes-continued

Margin for binding not to be written on.

Flag A

Ismail Sait & Omar Abdul Rahiman Sait (plaintiffs 1 & 2 in O.S No 6 of 1921) sanction to file a suit for settling a scheme in respect of the mosque under sec. 92 (1) (f) of the Code of Civil Procedure The Collector has been duly empowered under section 93 by the Resident's notification No 1619/1929 dt 15.5.29. The present petitioner (writer of l.u.c) says this sanction has been granted ex parte without notice to the opposite party. The law does not prescribe a notice, but perhaps ~~the bobb~~ it would have been better if notice had been issued to the other side. However it does not appear that there are sufficient grounds to interfere with the discretion exercised by the Collector in virtue of the power conferred on him. As observed by Mulla on page 203 of the Code of Civil Procedure, even if the sanction given by the Collector is

S.2
195-29

so worded as to indicate that he has not exercised his judgment it is not a defect fatal to the suit but a mere irregularity falling within the scope of Section 99. In the present case however the Collector had probably sufficient material in his possession to form an opinion. It is a well known case May decline to interfere?

VS 28/8

I agree that time (15) seems to be no reason for interference

Rodd

M Coutts 29/5/24

W 5.24 2/6

Draft submitted Cross 30/8/24 VS 30/8

M Coutts 1/9/24

Issued no. 7066 & 3.9.24

5.69.

Margin for binding not to be written on.

3232

22.4.15

167/183

Government Sir-Khazi's Office,
Civil & Military Station,
Dated, Bangalore, 21st April '15.

From

Hajee Moulavi Syed Shah
Mahomed Abdul Gaffar Sahib, Kahdri,
Government Sir-Khazi,
Civil and Military Station,
Bangalore.

To

P.B. Warburton, Esq., I.C.S.,

Assistant Resident in Mysore,

Bangalore.

Sir,

I have the honor to state that since the 101st Grenadiers have left the Station, the Mosque belonging to the Cubbon Lines is, I am informed by responsible persons, become a place of resort instead of a place of worship by men of no consequence and to request that since I am a Government Sir-Khazi, you will be good enough to authorise my taking over charge of the said Mosque till such time as the Garrison of any other Regiment is settled when it will be handed over to the Military authorities.

2. I shall make the necessary arrangements to keep the Mosque in good condition till it is taken over from my - - charge on arrival of a new Regiment.

I have the honor to be,
Sir,
Your most obedient servant,

Government Sir-Khazi.

S. 3.—R. P. B.—1-1915.—10,000.

3

No 167
'15

[DRAFT.]

From W. B. Worthington Cooper I.C.S.,
First Assistant to the Resident
in Nepal

To

No 2923

28th April 1915.

A.36

[Here enter letter of the 21st April 1915 from the Manager of the Survey of Nepal]

—

A copy of the foregoing letter is forwarded herewith to the Statistical Officer, Bengal, for the consideration of the G.O.C.

WBC

First Assistant.

A/c 23/4/15

No 2923 23/4

No 24 4

No. 295/24/Q

3693
10/5/15
167/83

HEAD QUARTERS,
BANGALORE BRIGADE

BANGALORE 8th May 1915

FROM

The Station Staff Officer,
Bangalore.

TO

THE First Assistant to the Hon'ble
the Resident in Mysore,
Bangalore.

Sir,

Reference your communication No. 2923 of 26th April 1915, forwarded copy of a letter dated 21st April 1915, received from the Government Sir---Phazi, Civil and Military Station, Bangalore in which application is made by him to take over the Mosque belonging to the Cubbon Lines.

I have the honour to inform you that the Officer Commanding, Bangalore sanctions the taking over of the said Mosque by the individual referred to on the following conditions:-

(1) That the Mosque be handed over to any Regiment that may occupy the Lines, or to the Military Authorities, should it at any time be required by them.

(2) That the Mosque be kept in good condition during the time it is on charge of the Government Sir--Phazi to whom it is being handed over.

I have the honour to be,
Sir,
Your obedient servant,

AKnyvettdee 2nd/5
for Captain,
Station Staff Officer.

I.P.

S. 3.—R. P. B.—1-1915.—10,000.

3

No 167
193

[DRAFT.]

From P. B. Wadeston Esqre, I.C.S.,
First Assistant to the Resident
in Mysore

To

Hafiz Muhammad Sayed Ahmad
Muhammad Abdul Ghaffar Sahib
Kaji, (or the Station of Bangalore.

No 3302

D/ 12th January 1915.

Sir,

A.36

With reference to your
letter dated the 21st April 1915,
I am directed to say that
the Officer Commanding Bangalore
sanctions your taking over
the mosque belonging to the
Cubbon Lines subject to the
following conditions:—

J.38

(a) that the mosque should
be handed over to any regiment
occupying the Cubbon Lines or
to the military authorities
should it at any time be
required by them

(b) that the mosque should
be kept in good condition during
the

(Continuation of Draft).

the time it is in your charge.

I have etc

[illegible]

Asst Mr to Resident

No. 3303—3304

A copy of the foregoing letter is forwarded herewith to the District Staff Officer, Bungalow,

District Magistrate,

with reference to his letter No. 295-24-9 dated the 8th Aug 1915 A.30

Cantonment Bungalow

[illegible]

1st Asst to Resident

A 11/5

H.P.
10/7/15

PRESIDENT'S OFFICE
BANGALORE
Register No. 3776
Date of Receipt 22/5/16
File No. 3[illegible]

40

20/5/1916

The Secretary
to the Honourable
the Resident
Banyalore

Sir,

I wish to see
the Resident, will you
please be good enough
to let me know the
convenient time to
see the H. the Resident

Yours obediently
سید شاہ محمد عبدالغفار خان صاحب قبلہ کا سلام مسنون

(Sd) Syed Shah Ghaffar Khadri, Govt
Sri Khaji.

S 4.—R. P. B.—7-1915.—20,000.

14

F. 392
1916

[DRAFT.]

From

The Registrar,
Mysore Residency.

To

Khaja Syed Sha Abdul
Guffar Sait, Khadir,
Bangalore.

D/ 26th May 1916

Sir,

I am desired to acknowledge
the receipt of your letter,
dated the 20th May 1916 and
to say that the Resident is at
present on tour and that,
when he returns, your request
for an interview will be
brought to his notice

yours

A.S. 24/5

Registrar, Mysore Residency

22.40.

N
24-5-16.

S 3.—R. P. B.—7-1915.—20,000.

F 13

[DRAFT.]

From

The Registrar,
Mysore Residency

To

Khaji Syed Sha Abdul
Guffar Saib Khadri)
Bangalore.

D/ 7th June 1916.

Dear Sir,

22.41 In continuation of my letter dated the 26th May 1916, I am desired to say that the Resident will be glad to see you on Saturday the 10th instant at 12 noon

yours
A.S. 7/6
Registrar.

N
7-6-16.

Bangalore,
Old Poor House Road,
14th April 1919.

Sir,

I the undersigned beg leave of you most respectfully and wish to know what time would be most convenient to have an interview with the Hon'ble the British Resident as I am standing in the eve of transfer from this end. I shall most happy to call at the appointed time except Friday which day being set apart for Prayer.

Begging to have a line in reply,

Yours obediently,

(SD) Sir Khaji Moulvai Abdul Gaffar Sha.

گوشتہ سر خاجی مولوی عبدالغفار شاہ

RESIDENT'S OFFICE.
BANGALORE

The First Assistant to the
British Resident in Mysore,
Bangalore.

Register No. 3672
Date of Receipt 15-4-19
No.

RESIDENT'S OFFICE,
BANGALORE.
Register No. 1791
Date of Receipt 1/3/20.
File No.

Bangalore
28th Feb 2

To
The Secraby
The Hon'ble The Resident (in Mysore)
Bangalore

Respected Sir,

I most-humbly request you to inform that I am very anxious to see The Hon'ble H. V. Cobb Esqr. Resident in Mysore. If Kindly give me permission stating date and time, I shall be thankfull for your kindness & oblige

B 22 1920

I am yours obedt
(Sd) سید قاضی مفتی نیر شاہ محمد
عبد الغفار قادری بیت حضور
Syed Kazi Mufty Nayer Shah Mohd
Abdul Gaffar Kadri.
Bangalore

S. 3.—R. P. B.—9-1918.—10,000.

D. O. No. 2013
5/6-3-1920

[DRAFT.]

From

F. A. R.

To

Sir Kaze Mohd-Nenjee Shah
Syed Abdul Gaffar Hadi Sahib
Bangalore.

Dear Sir,

With reference to your letter of the 28th February 1920, I am desired to inform you that the Hon'ble Mr. Cobb much regrets that he is ~~unable~~ to busy ~~to~~ now during the last 2 days he holds charge to see you but sends you ~~the~~ good wishes and bids you goodbye

Yours truly
Sd/ A. M. Reis
Registrar

D.R.
5/3/20

AR
5/3

Sd/
5/3/20

Bangalore 46
15th March 20

To

The Secretary

The Honble The Resident in Mysore

Bangalore

MAR 16 1920

Respected Sir

I most-humbly beg to write that I wish to see The Honble W. P. Barton Esq C.I.E. I.C.S. The Hon'ble The Resident in Mysore

If you kindly inform me when to be present I shall come, but I beg to inform you that I may not be able to present on Friday. please note.

Hoping to be excused for troubles and obliged

I am yours obediently

(Sd)

Syed Hazi Mufty Moyuce Shah Syed Abdul Gaffar Kadri.

Bangalore

RESIDENT'S OFFICE,
BANGALORE.
Register No. 2307
Date of Receipt 16/3/20

S. 3.—R. P. B.—9-1915.—10,000.

D.O.No. 3084
D/ 1-4-20

[DRAFT.]

From The Registrar,
Resident's office.

To Sir Haji Mufty Hayee
Shah Syed Abdul Gaffar
Faidi.
Bangalore

Dear Sir,

With reference to your letter dated the 15th March 1920, I am desired to inform you that the Honble Mr. Barton will be glad to see you on Saturday the 3rd instant at the Residency at 10-30 A.M.

Yours truly,
Sd/ A. L. Rees

JV
1-4-21

4 C

D.O. 8867

12th Sept. 1920.
13th

Dear Sir

With reference to your letter dated the 27th August, 1920, I am desired to say that the Hon'ble. the Resident will be pleased to see you at the Residency at 11 a.m. on ~~Sunday~~ Saturday the ~~18th~~ 18th September.

yours truly

DS
12/9/20

Sir Kazi Mufty Haijee Shah Syed Abdul Gaffur Kadri,
BANGALORE.

Submitted for perusal.
The previous papers are with the Confl. Clerk.
The Kazi was appointed in 1905 - vide 5/9. R

As it is too late to entertain this title I submit the Firman.
17/9/20

49

D. C. 2.—R. P. B.—9-1912.—100.

191

FROM

V Seshacharya

THE DISTRICT JUDGE,

CIVIL AND MILITARY STATION,

BANGALORE.

RESIDENT'S OFFICE
Register No. 6027
Date of Receipt 9-8-21
Register No. 63
Date 9-8-21

To The Registrar
Residents Courts
Bangalore

Dated 6-8-21
Despatched
Received

General No. 1788 191
No.

ENCLOSURES:—No. 2 with Bill

Has the honor to request that he will be so good as to cause the production of the records in Civil A/12 of 21 on the file of Civil Courts as per summons herewith enclosed.

The records will be returned when no longer required.

M Ramachandrayya
V Seshacharya
For District Judge.

Received 13/8/21

Produced in the Court on 13.8.1921 vide sentence s. 18

Summons to produce Public documents.

Section
Form No. 65, Civil.

In the Court of the District Judge, & Sessions
Civil and Military Station, Bangalore.

~~Original Suit~~ No. Mos A/12 of 1921.

Khan Bahadur Hajee Ismail Sait & Brother ——— ~~Plaintiff~~. Petr

Hajee Syed Shah Abdul Gaffor Sait ——— ~~Defendant~~. Petr

To 1st Witness The Registrar
Residents' Court
Amalation, Bangalore

WHEREAS it appears to this Court that a perusal of the undermentioned papers, now in your custody, will tend to elucidate the facts of the suit now before this Court, you are hereby requested to cause the said papers to be produced in this Court, or to transmit the said papers to this Court, on behalf of Petr. on or before 13th August 1921

Dated 4th August 1921.

Balla
2/- 1) copy of the Written Communication bearing
~~2) produced by~~
No. 4072 and dated 24th July 1905 from the Hon'ble the British
Resident to Sir Syed Shah Hajee Gaffor Sait, & to Amalation,
Bangalore and ~~of the~~ records connected therewith.
~~To produce~~ 2) The original of the application made in or about
the year 1905 by Syed Shah Hajee Abdul Gaffor Saheb to the
Hon'ble the British Resident praying that he might
be appointed as Sur-Khazi in the place of his father
who was dead.

(By order of the Court,)

M. Ramachandrappa

Chief Clerk.

R.

DISTRICT & SESSIONS COURTS & CIVIL & MIL. STATION BANGALORE

Proper fee for the issue of this process has been levied.

Nazir.

Service accepted

Registrar

9/8/21

Office of the Government Sur Khazi,
Civil and Military Station Bangalore.
Dated, Bangalore 13th September 1921.

No. 10

From

Hajee Moulavi Syed Shah Mahomed Abdul Gaffar Saheb,
Khadri,

Government Sur Khazi,
Civil and Military Station, Bangalore.

To

The First Assistant to the Hon'ble the British Resident,
in Mysore, Bangalore.

Sir,

Reference: Your letter No 3302 dated 12th May 1915.

I have the honour to inform you that since the 2/61st Pioneers is disbanded, the Mosque belonging to the Cubbon Lines is, I am informed by respectable persons, become a place of resort instead of a place of worship by men of no consequence and to request that as I am a Government Sur Khazi, you will be good enough to authorize my taking over charge of the said mosque till such time as the Garrison of any other Regiment is settled when it will be handed over to the Military Authorities.

2. I shall immmediately make the necessary arrangements to keep the Mosque in good condition until it is taken over again from my charge on arrival of a new Regiment.

I have the honour to be,
Sir,
Your most obedient servant.

Government Sur Khazi, C.& M.S. B'lore.

Please see Sls. 36-39.
If approved, the Brigade Major may be addressed.
Draft submd.
CNS.
15/9/21

N° 3302. 81 39 a

From

P. B. Warburton Esqr. I.C.S
First Assistant to the Resident
in Mysore.

To

Hajee Moulave Syed Shah
Mohamed Abdul Gaffar Sahib
Sar Khazi Cantonment
Bangalore.

Dated, Bangalore, 12th May 1915.

Sir,

With reference to your letter dated the 21st April 1915, I am directed to say that the Officer Commanding Bangalore sanctions your taking over the Mosque belonging to the Cubbon Lines subject to the following conditions:-

(a) That the Mosque should be handed over to any Regiment occupying the Cubbon Lines or to the Military Authorities should it, at any time, be required by them

and (b) That the Mosque should be kept in good condition during the term it is in your charge.

I have the honor to be,
Sir,
Your most obedient servant
Sd/- P. B. Warburton
First Assistant Resident

MYSORE RESIDENT'S OFFICE,

Bangalore, 19th Septr 1921.

Secret

No. 8346

A copy of the marginally* noted letter, ~~with enclosure~~, is forwarded to the... Brigade Major, Bangalore Brigade Area, ...for information with reference to endt ... No. 3303, dated the 12th May 1915 from this office, ... and for favour of the consideration of the Ge. Commandg Bangalore Brigade Area.

*No. 10, dated the 13th Sept 1921 from the Revd Gur Khazi, C/M Station of Bangalore.

S. 50

Sd/ A. M. Peters

~~First Assistant~~ Resident.
Secretary to

Copy. 16/9/21

R. O. 178. (a).—R. P. B.—4-1920.—3,000.

Ad 15/9.

No.150/113/Q.

Headquarters Bangalore Bde. Area
Bangalore dated 21st Septr. 1921

No. 7255
of 22-9-21
Encl.

To
The Secretary to the
Resident in Mysore
Bangalore

Sir,

S.51 With reference to your No.8546 dated 19th September 1921, I have the honour to inform you that intimation has been received from the President Municipal Commission, Bangalore, to the effect that the Deputy Collector of the Station has been deputed to deal with the question of handing over the Mosque at once.

I have the honour to be
Sir,
Your obedient Servant

Please see No. 50 + 51.
Arap submt.
Cpl. 22/9/21 AAG 22/9
Done

Colonel Commandant
Bangalore Brigade Area

No. 46 Enclos.

R. O. 2.—R. P. B.—8-1921.—2,000

Dated Bangalore, 23 September 1921

From

Major T. C. Plowden,

Secretary to the Resident in Mysore.

To

Hajee Moulavi Syed Shah Mahomed Abdul Gaffar Sahib, Khadri,
Sub Kazi, Cantonment, Bangalore

Sir,

Subject. Taking over the mosque belonging to the Cubbon Lines.

With reference to your letter, dated the 17th September, 1921, on the above subject, I am directed to state that it is gratifying that the Deputy Collector of the Station has been deputed to deal with the question of handing over the mosque at once.

S. 50

~~that information has been received from the President, Municipal Council, Cantonment, Bangalore, to the effect~~

I have, &c.,

Sd/ A. M. Peris

Secretary to Resident

No. 8468

A copy of the foregoing letter is forwarded to the Dist. Magistrate, Cantonment, Bangalore, for information.

Sd/ A. M. Peris

Secretary to Resident

CPB. 22/9/21

AO 22/9

Civil. E. 2.—R. P. B.—7-1917.—400.

191

...ENT'S OFFICE
BANGALORE
Number 9123
Date of Receipt 1-12-21
Fee No. 69/83

5/12/21

FROM

THE DISTRICT JUDGE,

CIVIL AND MILITARY STATION,

BANGALORE.

To.

The Head Clerk
The Hon'ble the Resident's
Office
Bangalore

Dated

Despatched 28.11.21

Received

General No. 3004 / *No.* } 191

ENCLOSURES :—No. 1 Set with Rs 2/-

Has the honor to request that he will be so good as to cause the production of ~~the records in~~ documents mentioned in the Notice enclosed on the file of his office as per summons herewith enclosed.

The records will be returned when no longer required

(Please see file Notice and Summons attached)

Copies of S. 18/a 19 may be produced in Court to-morrow. Documents 3, 4 & 5 required are not traceable.

CAG 6/12/21

Qa 5/12/21

2/12. The one who produces to be informed that 3, 4 & 5 are not traceable

M. Ramachandraya
for District Judge.
6/12

Summons to produce Public documents.

Section
Form No. 65, Civil

In the Court of the District / Assistant Judge
Civil and Military Station of Bangalore.

Original Suit No. 6 of 192/.

Khan Bahadur Haji Ismail Saib & others, Plaintiffs

Sir Khazi Syed Shah Mahamed Abdul Gaffar Shah Khadri, Defendant.

To The Head Clerk, The Hon'ble the British Residents Office Cantt. Station, Bangalore.

WHEREAS it appears to this Court that a perusal of the undermentioned papers, now in your custody, will tend to elucidate the facts of the suit now before this Court, you are hereby requested to cause the said papers to be produced in this Court; or to transmit the said papers to this Court, on behalf of Plaintiffs on or before 7th December, 192/.

Dated 14th Nov. 192/.

Batta Rs. 2/-

(By order of the Court,)

Chief Clerk.

Proper fee for the issue of this process has been levied.

Nazir.

Civil. A. 4.—R. P. B.—9- 1921.—500.

Boom To produce Documents mentioned in the annexed page

To Produce the following documents on the hearing i.e. 7.12.1921.

1. Application from Sir Khaja Syed Shah Mahamed Abdul Gaffar Shah Khadri, for appointing him as the Government Khazi.

2. The order of appointment or any other Correspondence relating to this.

3. Copy of the permission granting land for the erection of the Jumma Musjid about 100 years ago – Old Poor House Road.

4. Copy of the permission granting land for the erection of the Edgar in Miller's Road, about 50 years ago.

5. Application made for the above.

BSM.
24.11.21.

By Order of the Court

Chief Clerk.

MC/17/6

No. 1884 Office of the District Magistrate,

Civil and Military Station, Bangalore.

Dated 15th June 1922.

RESIDENT'S OFFICE,
Clerk X
Register No. 4423
Date of Receipt 17/6/22
File No.

From

T. AUSTIN, Esquire, I.C.S.,

District Magistrate,

Civil and Military Station, Bangalore.

To

Major C.T.C.Plowden, I.A.,

Secretary to the Hon'ble the Resident,

in Mysore, Bangalore.

Subject:--Taking over the mosque belonging to the Cubbon Lines.

Sir,

With reference to your endorsement No.8469/167-1883 dated the 28th September 1921, I have the honour to suggest that the mosque should remain under the control of the Collector, who is presumed to be the Muzrai Officer of all trusts in the absence of orders to the contrary. He will have power to appoint a leading retired military officer to manage the affairs with the help of a Committee to be nominated by him and approved of by the Collector. This will prevent subsequent disputes and factions, and obviate the necessity of having a mosque purely for the military units so as to keep them away from bad influences. It is not desirable that the said mosque should, in the best interests of the military men, be handed over to private management. The civil population can have no grievances as the said mosque was built purely for the convenience of the military men and they had no share either in the shape of funds or management.

I have the honour to be,

Sir,

Your most obedient s e r v a n t,

T. Austin
15/6

District Magistrate.

MOD
15/6

MYSORE RESIDENT'S OFFICE,

Bangalore, 24th June 1922

No. 5798

A copy of the marginally* noted letter, ~~with enclosure~~, is forwarded to the Brigade Major, Bangalore Brigade Area for information, with reference to the Cr. Commandant's letter No. 150/113/8, dated the 21st Sept. 1921, and with the request that the Resident may be favoured with the views of the Cr. Commandant, Bangalore Brigade area, in the matter.

S.52

*No 1884, dated the 15th June 1922 from the District Magistrate, Cantonment, Station of Bangalore.

S.55

(Sd) C. T. C. Plowden,
Secretary to the Resident.

C.A.S. 20/6/22

20/6

R. O. 106. (a).—R. P. B.—8-1922.—3,000

No.150/9/Q

Headquarters Bangalore Brigade Area.

Bangalore 26th June 1922

RESIDENT'S OFFICE
BANGALORE
Register No 4714
Date of Receipt 27/6/22
File No

To :- The Secretary to
The Hon' the Resident in Mysore,
Bangalore.

With reference to your No.5198 of 24th Inst, I have to inform you that the Area Commander agrees with the recommendations made by the District Magistrate, Civil & Military Station, Bangalore regarding taking over the Mosque belonging to the Cubbon Lines.

Captain.

Staff Captain, Bangalore Brigade Area.

58

R. O. No. 2.—R. P. B.—11-1921.—5,000.

No. 2414 Enclos.— Dated Bangalore, 4th July 1922

From

Major T. C. Clowden,

SECRETARY TO THE RESIDENT IN MYSORE.

To

The Collr & Dist. Magte,
C.&M. Station, Bangalore

Subject Taking over the mosque belonging to the Cubbon Lines.

Sir,

With reference to your letter No 1884, dated the 15th June 1922, I am directed to state that, after consulting the Military authorities in the matter, the Hon'ble the Resident approves of your proposals regarding the control of the mosque belonging to the Cubbon Lines.

I have, &c.

30
Secretary to the Resident

S. 55

C.A.S.
28/6/22.

28/6

No. 3358/22

Office of the Collector,
Civil & Military Station, Bangalore,

Dated 24 November 1922.

From

T. Austin, Esquire, I.C.S.,
Collector, C. & M. Station,
Bangalore.

To

The Secretary to the Resident
in Mysore, Bangalore.

Sir,

Mosque in the Cubbon Lines - Management.

Kindly refer to the correspondence ending with your No. 5414 dated 4-7-22. Honorary Lieutenant M. Abdul Hafeez Saib Bahadur (Retired List) whom I entrusted with the management of the affairs of the mosque, brings to my notice that the building is an ancient one, brought into existence a century ago and is in need of considerable repairs and suggests the entertainment of an establishment at a monthly cost of about Rs. 33-6-0 as detailed below: -

One Mouzin (a crier for the daily prayers) ..	10-0-0
One Peish Imaum(to lead the prayers and preach sermons).	15-0-0
Lighting charges	4-6-0
One sweeper	2-0-0
Contingencies	2-0-0
Total	33-6-0

He further suggests that if a monthly grant of Rs.25/- be sanctioned by Government the balance would be supplemented by him. I consider the suggestion reasonable and request that you will kindly obtain the sanction of the Hon'ble the Resident to incur the charge. The expenditure can be met from the savings anticipated under "47 Miscellaneous -Miscellaneous and Unforeseen Charges (other charges)", as there will be no savings under the head "47 Miscellaneous-Donation for Charitable purposes" from which such charges are met.

I have the honour to be,
Sir,
Your most obedient servant,

24/11/22

For Collector.

T.C.J.

R. O. 2.—R. P. B.—11—1922—5,000.

No. 9811. ENCLOS. — *Dated Bangalore,* 13th Decr 1922.

FROM

H. Williamson, Esq, I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

To

The Collector,
Cantonment, Bangalore.

Subject:— Management of the mosque in the Cubbon Lines.

SIR,

With reference to your letter No. 3358, dated the 24th November 1922, I am directed to state that apparently the mosque is no longer required for Muhammadan soldiers. It is doubtful whether Government should subscribe to its upkeep. I am to enquire whether the local Muhammadan community would take the mosque over.

S.59

I have, &c.,
H. Williamson
for Secretary to the Resident.

C.M.B. 11/12/22

A.O. 11/12

61

NO. [illegible] Bangalore, 28th January 1923.

To

The Hon'ble the British Resident in Mysore,
at Bangalore.

The humble petition of the retired Muhammadan Military Officers and Sepoys residing in the vicinity of the Cubbon Lines Mosque, Civil & Military Station, Bangalore, most respectfully

Showeth

1. That the Mosque belonging to the Cubbon Lines in the Civil and Military Station of Bangalore, used to be under the control and management of the Regiments occupying the old Cubbon Lines. The said Mosque was primarily intended for the use and benefit of the Muhammadan Military officers and Sepoys that used to be stationed in the Cubbon Lines.

2. That during the time when there was no Regiment in the Lines as aforesaid, the management of the said Mosque used to be entrusted to the late Sir Khazi of the Civil & Military Station, of Bangalore, and whenever occasion demanded, its possession and management used to be resumed by the Military authorities.

3. In or about the year 1915, no Garrison having been stationed in the Cubbon Lines, the late Sir Khazi, of the Civil and Military Station, Bangalore, by his letter dated 21st April'15 applied to the First Assistant to the Resident in Mysore, for taking over the management of the Mosque, temporarily until such time as a new Regiment arrived at the Cubbon Lines. A copy of the said letter of the late Sir Khazi, is hereunto annexed, and marked with the letter "A"

4. In compliance with his application as aforesaid, the First Assistant to the Resident, sanctioned the taking over of the Mosque by the late Sir Khazi, subject however to the

the condition that the same should be handed over to the Military authorities, whenever called upon to do so. A copy of the said communication is hereunto annexed and marked " B ".

5. Some time later, possession of the Mosque was again resumed by the Military authorities and was in their managment for some time. In the year 1921, the 2/81st Pioneers, that had been stationed in the Cubbon Lines having been disbanded, the late Sir Khazi, by his letter dated the 13th September 1921, again applied to the First Assistant Resident, for taking over the charge of the said Mosque. His letter is hereunto annexed and marked " C "

6 In reply to the above letter, a communication --- No. 8468/167/1883 under date the 23rd September 1921, was received by the late Sir Khazi, and it was to the effect that the matter had been referred to the Deputy Collector, for disposal. A copy of the said communication is hereunto annexed and marked "D".

7. That not long after the said communication was received as aforesaid, the late Sir Khazi, took ill, and having been laid up for some time, died on the 9th of January 1922. He left behind him a will appointing thereby the present Muthavalli, Peer Syed Hyder Shah Sahib, Khadri, as his successor in office, namely as the Muthavalli of Jumma Masjid, Muhammadan cemeteries, Edga and Madrassa.

8. That not having heard anything from the Deputy Collector in regard to this matter, some of your Petitioners waited upon him about eight months ago, and urged their claim to the possession and management of the mosque. But no definite answer was --- vouchsafed.

9. Your Petitioners are now informed and believe their information to be true that the Deputy Collector has caused notices to be issued to about 30 or 40 Muhamadan citizens of the station, with the object of ascertaining the wishes of the

the Muhammadan community of the station, in regard to the affairs of the Cubbon Lines Mosque. As will appear from a copy of notice sent by the Deputy Collector, as aforesaid, and which is hereunto annexed and marked " E ", the conference has been fixed at 2-30 p.m. on the 29th January 1923.

10. Your Petitioners most respectfully beg to submit that the persons to whom Notices have been sent, have -- absolutely no manner of interst in the affairs of the said Mosque, and besides are not competent for various reasons, to give an unbiassed opinion or to represent the Muhammadans of the Station, your Petitioners views in the matter. Your Petitioners are keenly disappointed to find, that they have been entirely ignored by the Deputy Collector, presumably (your Petitioners regret to observe) at the instigation of certain partisans. Not one of the persons to whom Notices have been sent, as aforesaid, resides in the neighbourhood of the Cubbon Lines Mosque.

11. Your Petitioners therefore pray that the management and control of the said Mosque may be entrusted to them or in the alternative, to Peer Syed Hyder Shah Sahib, Khadri, the present Muthavalli of the Jumma Musjid and various other religious institutions, and the recognised spiritual leader of the Muhammadan community of the Station.

12. That all letters and communications in connection with this matter may kindly be addressed to Sheikh Ismail Sahib and Mahomed Hussain Sahib, Retired Subedars, Pension Mohalla, C. & M. Station, Bangalore.

For which act of kindness your Petitioners will ever pray.

Pensioned Subada Shaik Ismail 2/81st Vinners 7 Moonisawmy Lane

Pensioned Subada Mohd: Hussain 2/81st Vinners 2 Moonisawmy Lane

Pensioned Jemadar Abdul Zattey 64th Vinners 5 Moonisawmy Lane

Pend: Naique Syed Kareem 15th Regt M.I

Names of Signatories	Ranks	Residents.
Abdul Ghani Pensioned Hdr	Ex Pioneer	5 Mohd: Ghouse Lane
Shaik Wajeeh Hdr	Ex Pioneer	8 Moonesawmy Lane
	Pens: Sepoy Syed Yousuf	1 Mohd: Ghouse Lane
	" Abdul Gaffar	4 —do—
	" Havr: Mohd: Jacob	1 —do—
	" Sepoy Abdul Rahim	Arco 2 Street
	" Havildar Rahim Khan	22 —do—
	" Havildar Ahmed Sharif	2 Venkatapathy Lane
	" Naique Abdul Razzak	—do—
	" Havildar Shaik Ahmed	10 —do—
	" Sepoy Mohd: Abbas	2 Moonesawmy Lane
	" " Abdul Azeez	5 Shaik Natha Lane
	" " Abdul Azim	6 —do—
	" " Rahman Khan	5 Venkatapathy Lane
	" " Shaik Nizamudin	6 Shaik Natha Lane
	Pens: Havildar Ahmed Khan	Balaji Garden
	" Sepoy Mohd: Ghouse	—do— B86
	" " Abdulla Khan	54 Arco 2 St
	" " Ibrahim Khan	73 —do—
	" " Syed Ahmed	6 Venkatapathy Lane
	" "	
Abdul Azeez Khan 2nd Q.V.O.S Hrs		6 —do—
	Pens: Sepoy Shaik Mahmood	8 Moonesawmy Lane
	" " Gulam Dastagir	6 Chicken Bazar
	" Havildar Syed Abdul Rasheed	6 Moonesawmy Lane
	" " Shaik Makbool	Arcot
	" Sepoy Syed Sulaiman	5 Shaik Natha Lane
	" Mohd: Ghouse	—do—
	" Abdul Qureish	4 —do—
	" Hvldr. Hussain	1 —do—
	" Shaik Makbool	Tamaly

A

Government Sir-Khazi's Office,
C, & M. Station,
Dated, Bangalore, 21st April '15.

From

Hajee Khazi Syed Shah
Mahomed Abdul Gaffar Sahib, Khadri,
Government Sir Khazi,
Civil & Military Station,
Bangalore.

De

Sir,

I have the honor to state that since the 101st Grenadiers have left the Station, the Mosque belonging to the Cubbon Lines, is, I am informed by responsible persons, become a place of resort instead of a place of worship by men of no consequence and to request that since I am a Government Sir-Khazi, you will be good enough to authorize my taking over charge of the said Mosque till such time as the Garrison of any other Regiment is settled when it will be handed over to the Military authorities.

2. I shall make the necessary arrangements to keep the Mosque in good condition till it is taken over from my charge on arrival of a new Regiment.

I have the honor to be,
Sir,
Your most obedient servant,

(Sd) Hajee Khazi Syed Shah Mohd: Abdul Gaffar Sahib Khadri.
Govt. Sir Khazi.

B

No.3302

From

P.B.Warburton,Esqr.,I.C.S.,
First Assistant To The Resident
In Mysore.

To

Hajee Moulvi Syed Shah Mohamed Abdul
Gaffur Sahib, Sur Khazi
Civil and Military Station, Bangalore.

Bangalore
Dated 12th May 1915.

Sir,

With reference to your letter dated 21st April 1915, I am directed to say that the officer Commanding Bangalore, sanctions your taking over the Mosque belonging to the Cubbon Lines subject to the following conditions.

(a) That the Mosque should be handed over to any Regiment occupying the Cubbon Lines, or to the Military authorities should it, at any time be required by them.

(b) That the Mosque should be kept in good condition during the time it is in your charge.

I have the honour to be
Sir,
Your most obedient servant
(Sd) P. B. Warburton
First Assistant Resident.

C.

Office Of The Government Sur Khazi
Civil & Military Station, Bangalore,
Dated 13th September 1921.

From

Hajee Moulavi Syed Shah,
Mohamed Abdul Gaffar Sahib, Khadri
Government Sur Khazi
C & M Station, Bangalore.

To.

The First Assistant To The Hon'ble
The British Resident,
In Mysore, Bangalore.

Sir,

Reference your letter No.3302 dated 12th May 1915.

I have the honour to state that since the 2/81st pioneers is disbanded, the Mosque belonging to the Cubbon Lines is, I am informed by respectable persons, become a place of resort instead of a place of worship by men of no consequence and to request that since I am a Government Sur Khazi, you will be good enough to authorize my taking over charge of the said Mosque till such time as the garrison of any other Regiment is settled when it will be handed over to the Military authorities.

2. I shall make the necessary arrangements to keep the Mosque in good condition till it is taken over from my charge on arrival of a new Regiment.

I have the honour to be

Sir,

Your most obedient servant

(Sd) Hajee Moulvi Syed Shah Mohd: Abdul Gaffar Sahib Khadri

Government Sur Khazi.

D

No. 8468 Encls

— 168-1883

Bangalore,

Dated 23rd Sept 1921.

D

From

Major C.T.C. Plowden I.A.

Secretary To The Resident, in

In Mysore.

To

Hajee Moulavi Syed Shah, Mohamed Abdul-

Gaffur Sahib Khadri,

Sir Khazi Civil & Military Station,

Bangalore.

Subject:- Taking over the Mosque belonging to the Cubbon Line.

Sir,

With reference to your letter, dated 13 September 1920, on the above subject, I am directed to state that it is reported that the D.C. of the station has been deputed to deal with the question of handing over the Mosque at once.

I have the honour to be
Sir,

(Sd) Asst. Pers

for Secretary to the Resident.

No. 8469

A copy of the foregoing letter is forwarded to the District Magistrate C & M Station Bangalore for information.

(Sd) Asst Pers

for Secretary to the Resident.

2

E.

No. 1724/

Office of the Deputy Collector,
Civil and Military Station, Bangalore.
Dated 19th January 1923.

To

Janab Ahmed Sheriff Saib,

Hakeem, New Market Road.

M e m o.

It is proposed to ascertain the wishes of the Muhammadan community in the affairs of the Cubbon Lines Mosque and you are therefore requested to appear in person to meet the undersigned in his chambers at 2-30 p.m. on 29th January 1923 and discuss the matter.

Sd. M.Karimulla Khan.
Deputy Collector.

No.6937/230-1920

Enc 6.

Office of the C o l l e c t o r,
C & M Station, B a n g a l o r e,

Dated, the 1st February 1923.

From,

T. Austin Esq, I.C.S.,
C o l l e c t o r,
C & M Station, Bangalore.

RESIDENT'S OF
BANGALORE
Register No. 899X.
Date of Receipt 3.2.23
File No.

To,

The Secretary to the
Resident in Mysore, Bangalore.

Sir,

Mosque in Cubbon Lines - Management - Your Nos.(i) S.60 9811/167 - 1883 dated 13/12/22 & (ii) 912 dated 31---1---1923. Endt. on back page 4 para 6

S.55 In my letter No.1884 dated 15/6/22 I suggested that Collector, as Muzrai Officer of all trusts in the station, should have control over this mosque with power to appoint a leading retired military officer to manage the affairs with the help of a committee to be nominated by him and approved of by the S.57 Collector. In your letter No 5414 dated 4/7/22 you communicated to me the Resident's approval to my proposals. Accordingly, I appointed Hon.Lieut. Abdul Hafiz Sahib Bahadur to manage the affairs of the mosque and requested him to suggest for my approval a few gentlemen to form a committee to assist him in the management. He complied with my request and in doing so brought to my notice the dilapidated condition of the building and requested that a monthly grant of Rs. 25/- be sanctioned by Government towards the upkeep of the mosque. The request appeared to me S.59 be reasonable, and accordingly in my letter No.3358/22 dated 24/11/22 I requested you to obtain the sanction of the Resident S.60 to incur the charge. In your reply, (No.9811/167-1883 dated

dated 13/12/22) however, you expressed doubt as to whether Government should subscribe to the upkeep of the mosque and enquired whether the local Muhammadan community would take the mosque over. To find out this, a meeting of the local Muhammadans was convened by the Deputy Collector on 29/1/23. Fourteen persons were present at the meeting of whom several were muthavallis of the neighbouring mosques. The meeting agreed to the management of the mosque by Hon.Lieut.Abdul Hafiz Sahib Bahadur assisted by a committee, the necessary expenses being met from funds collected in the shape of donations and private subscriptions.

The petition forwarded to me with your No.912 dated 31/1/23 has, I think, been put in at the instigation of certain Non-cooperators who are using the petitioners as mere tools in their hands to bring about friction. I may mention that copies of this petition had been sent to me and the Deputy Collector also. I return the original.

S.61.

I have the honour to be,

S i r,

Your most obedient servant,

(B.O) Mohamad Ghaus

In COLLECTOR. 1.2.'23

D.S.

D. O.

No. 1143 Enclos. 1

From

R. O. No. 2.—R. P. B.—11-1921.—5,000. 63

Dated Bangalore, 8th Feb 1923.

F. Williamson, Esq, I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

To

T. Austin, Esq, I.C.S.,
Collector, Cantonment, Bangalore.

Sir, Subject. Regarding the mosque in the Cubbon Lines.

My dear Austin,

S.62 (Encl) With reference to your letter No. 6937, dated the 1st February 1923, I am desired to enquire who Peer Syed Mydar Shah Sahib, S.61 Khadri, referred to in para 11 of the petition is and, whether he is a non-cooperator.

Yours sincerely,
Sd/- F. Williamson

C.R.S. 7/2/23 A.O. 8.. 7/2.

27/2 Esq.

PRESIDENT'S OFFICE
DAK 11/8/24
Register No. 5617
Date of Receipt 30.7.24

C.C. Watson, Esquire, I.C.S., C.I.E.,
British Resident in Mysore, BANGALORE.

The humble memorial of Khaji Syed Abdul Khuddus, son of late Hajee Syed Shah Mahomed Abdul Gaffar Saheb Khadri Hanafi, residing at Meenakshi Coil Street Cross, C.& M.Station, - Bangalore, respectfully SHEWETH:

1. That Your memorialist is the son of the late Sir Khazi Mufti Hajee Syed Shah Mahomed Abdul Gaffar Saheb Khadri Hanafi, who was the Sur Khazi of the Civil and Military Station, Bangalore, and also the Mutuvalli and Sole - Trustee of the Jumma Musjid otherwise called - Saits' Musjid, situated in the Old Poor House Road, the Mahomedan Burial Ground situated near the Nandidroog Road and the Tumkur Road and the Edga Miller's Road. His father was, till his death, in sole charge and management of the Jumma Musjid and all the other places and institutions referred to above, and after his death, his son, Your memorialist, became entitled by right of inheritance to the said Mutuvallishiр and management. He was also formally nominated as Mutuvalli just before his father's death, in January 1922. After the death of the said Sur Khazi, Your memorialist continued to be in possession and custody of the Mosque, Edga, Cemetery &c. for some time, and was in fact collecting the rent and distribut-

-ing

distributing the salaries and wages among the servants of the Mosque, but Peer Hyder Shah, Gaffoori Sait and Hajee Oosman Sait and some others who happen to belong to the Non-Co-operation party, attempted to get control over the Mosque and the other places, with a view to carry on their political propaganda and to deprive Your memorialist of his just rights, and taking advantage of his minority at the time by unlawfully interfering with the affairs of the Mosque and its management. To achieve this object they alleged that the deceased Sur Khazi had left a WILL dated the 4th January 1922, to the effect that the said Peer Hyder Shah was to act as Mutuvalli of the Jumma Musjid Mosque, Cemetery and other institutions during the minority of Your memorialist, and a reference to this temporary appointment was made in an article published in a local Mahomedan Newspaper called the "Hilal" in its issue of the 15th January 1922, over the signature of Hajee Oosman Sait, "Secretary, Provincial Khilafat Committee, Bangalore." A few days later, with a view to strengthen this position, they arranged to perform some ceremony in the Jumma Musjid in token of Your memorialist having been nominated as Mutuvalli in succession to his father, and the said Peer Hyder Shah as the Officiating Mutuvalli, and under such cloak, began to interfere slowly with the management.

2. On account of their violent behaviour some relatives of Your memorialist applied to the District Magistrate, Civil and Military Station, in Miscellaneous Criminal Case No.4 of 1922 for

action

action being taken under Sections 107 & 144 of the Code of Criminal Procedure, for binding over the - said Peer Hyder Shah and his associates for keeping the peace and prohibiting them from interfering with the management of the institutions.

3. As the District Magistrate decided the matter in favour of Peer Hyder Shah's faction, the matter was taken up in Revision to the Hon'ble the British Resident in Mysore, who was pleased in - Criminal Revision Petition No.3 of 1922 to set aside that order on 10-7-1922.

4. When the aforesaid Revision Petition was pending before the Hon'ble the British Resident, - the said Peer Hyder Shah and others, taking advantage of the order of the District Magistrate, took wrongful possession of the Mosque, broken open several rooms and removed the contents thereof, including - furniture belonging to Hajee Jan Mahomed's School which has been removed to the National School, and have since then, been in wrongful possession of the Mosque.

5. Your memorialist begs to urge that, under the circumstances, the said Peer Hyder Shah is not entitled to continue in possession and management of the Mosque and other institutions in question, and it is necessary that steps should be taken to secure the same to Your memorialist who is entitled thereto, both by law and custom.

6. In this connection, Your memorialist craves permission to refer to the following passages from - the judgment dated the 16th April 1924, passed by the

District

District Judge, C.& M.Station, Bangalore, in O.S. No.6 of 1921, in which Your memorialist happened to be the 2nd defendant, his father the late Sir Khazi and Mutuvalli, the first defendant and Peer Hyder Shah was the 8th defendant, viz.,

"Para 11.....We have seen that the 8th defendant based his - claim on the Will of the late 1st defendant and on no other title. Since he has failed to produce the Will dated the 4th January 1922, he must be regarded merely as an intermeddler, who has somehow obtained possession of the - Mosque and the cemeteries attached thereto, ... for, there is a real dispute between the 2nd defendant on the one hand and the 8th defendant on the other as to the right of succession. Since it is undisputed that - the 1st defendant's father and the 1st defendant successively held the office of the Peish Imam and probably that of Mutuvalli also, apparently by custom, the 2nd defendant is entitled to succeed his father in these offices."

7. Your memorialist begs to urge that the said Peer Hyder Shah, who is a trespasser, has, - with a view to make his position secure, since made it appear that a certain resolution was passed by the Cutchee Memon Community in the C.& M.Station, Bangalore, on the 3rd instant (3rd June 1924) appointing him (Peer Hyder Shah) the Mutuvalli of the Mosque, and has got this resolution published in -

the

the local Newspaper the "Daily Post" and caused - copies thereof to be sent to all the local officers. as also to the Hon'ble the British Resident. Your memorialist begs to submit that he is not aware if any such meeting was actually held; even if it was held, it could not have been a representative gathering at all. The consent of the President of the - Jamiat was not secured and the leaders of the several communities were not consulted. No notice of any - such meeting had been given, and there was no occasion nor any necessity for holding, so hurriedly, - such a meeting. Furthermore, when there was admittedly a nomination made by the previous Mutuvalli just before his death, the community had no right to appoint another Mutuvalli. The resolution, if any, must have been got up by some adherents of Peer Hyder Shah who are inimical towards Your memorialist. As such the resolution is illegal and void, and cannot, in any manner, affect the rights of Your memorialist as Mutuvalli.

8. Your memorialist begs leave also to urge that the attitude and conduct of the said Peer Hyder Shah, has, throughout been quite inconsistent. When he first put forward his claim as Mutuvalli, he represented that he had been appointed to act as such during the minority of the permanent Mutuvalli, viz., Your memorialist, basing this claim on an alleged - Will dated the 4th January 1922. It is significant that, while this Will was being referred to as the sole basis of his title, it was never produced at any stage of the proceedings either before the District Magistrate, or the Hon'ble the British Resident or -

even

even before the District Judge, who had to try that particular issue relating to the genuineness of that Will, in spite of repeated directions by the Court - to produce the same. By this time Your memorialist had become a Major, and had become entitled to immediate possession and management of the Mosque even according to the case as first set up by Peer Hyder - Shah, and so, the latter made up his mind to set up a new case to the effect that he had been made a permanent Mutuvalli. As the Will originally relied on, which was intended to support his claim to Mutuvallishiip, as Guardian of a minor Mutuvalli could not be of any use, to support this larger and wider claim, he suppressed the Will. Later on, apprehending that such a fraudulent and inconsistent claim based on a forged or non-existent Will, would be of no avail, he changed his line of action again, and has now been trying to put forward a new and inconsistent theory basing it on a so-called resolution of the Community.

9. Your memorialist also begs to urge that Peer Hyder Shah is a person that hails from Bhooj in Cutch. He is an outsider having no abiding interest in Bangalore, and has lately been also moving - about from place to place. He has admittedly no independent means of livelihood and has to depend upon others for subsistence and cannot therefore be expected to efficiently discharge the functions of Mutuvalli of such an important institution like the Jumma Musjid.

10. As, under the circumstances, the said Peer Hyder Shah is not entitled to the office of Mutuvalli and as the resolution on which he bases his latest - claim for the office is illegal and void. Your memo-

-rialist

memorialist prays that Your Honour may be graciously pleased not to accept the resolution in question, but to recognise Your memorialist, who is the Mutuvalli both by law and custom and by right of inheritance, as the Sir Khazi of the Civil and Military Station, and, the Mutuvalli of the Jumma Musjid and the other connected institutions referred to above and - to issue necessary instructions to the Officers concerned to that effect.

For which act of kindness Your memorialist will, as in duty bound, ever pray.

سید شاہ محمد عبدالقدوس قادری

BANGALORE
July 1924.

Memorialist.

S.23 (a).—E. P. B.—6-1919.—5,000.

Memorandum.

No... 6292.

From

The Secretary to the Resident.

Bangalore, dated 8/8/1924

To Khaji Syed Abdul Khaddus,

Residing at Meenakshi Cot Street Cross,

C.T.M. Station, Bangalore

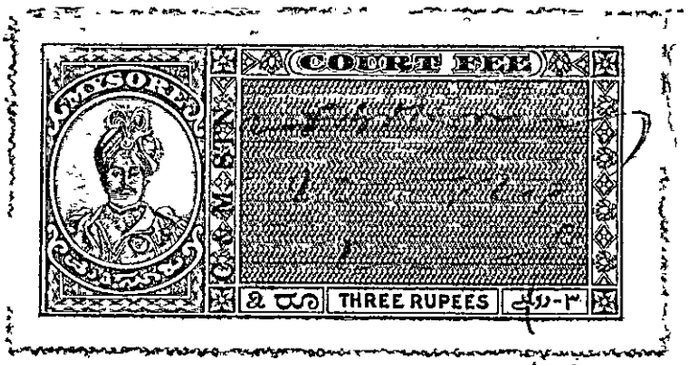
Subject. Mutwallishipp of the Jumma Masjid situated in the Old Poor House Road.

S.68 (Rus) With reference to his petition, received on the 30th July 1924, Khaji Syed Abdul Khaddus is informed that any dispute as to the Mutwallishipp in question should be settled in a Court of Law and that the Resident cannot interfere in the matter on the executive side

Sd. A.N.L. Cater
Secy to the Resident

C.N.S. 6/8/24

AS 6/8



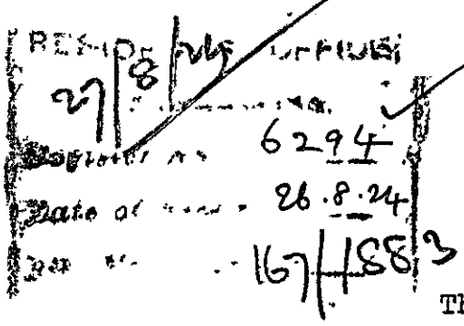
To

The Honourable the Resident in Mysore,

at B A N G A L O R E.

Through

The Secretary to the
Honorable the Resident in Mysore,
Civil and Military Station, Bangalore.



In the matter of sanction given by the Collector, Civil and Military Station Bangalore, under Section 92 of the C.P. Code, for filing a scheme suit in respect of the Jame Musjid, Old Poor House Road, Bangalore.

The Humble Petition of Peer Syed Hyder Shah Khadri, the duly constituted Muthuvalli of Jame Mosque, Old Poor House Road, Bangalore and residing at premises No.103, Dharmaraja Koil Street, Civil and Military Station, Bangalore.

Most Respectfully Showeth -

1. That the Petitioner has been the Muthuvalli of the Mosque above-named since 4th January 1922. But in compliance with certain suggestions and observations which are in the nature of Obiter dicta, made by the learned District and Sessions Judge, Civil and Military Station Bangalore in O.S. No.6 of 1921, on his file, and which are quoted in Annexure "A" hereto, the Petitioner was with all due formality nominated, constituted, and appointed as the Muthuvalli of the said Mosque by the Cutchi Memon Jamayat of the Mosque.

The suit above referred to was between Sir Hajee Ismail Sait and 3 others on the one part and the Petitioner

herein and 7 others on the other, and was for obtaining a declaration that the Plaintiffs had a right to perform the usual ceremonies in the above Mosque, and for injunction restraining the Defendants from interfering with their rights in any manner whatever. The said suit was decreed on 16th April 1924 in favour of the Plaintiffs.

2. Not content with the reliefs granted in the said decree, and being actuated by malice, the 1st and the 2nd Plaintiffs therein, with two others, applied to the - - - Collector on 7th July 1924 for sanction to file a scheme suit in respect of the said Mosque, and for the removal of the Petitioner from the office of Muthuvalli.

3. That the Collector without giving any notice to the Petitioner or the Cutchi Memon Jamayat, who were the principal persons that would be affected by the order of sanction, passed an exparte order granting sanction on the very day on which the application was presented by the -- applicants.

4. That the Petitioner and the Cutchi Memon Jamayet are greatly prejudiced by the said exparte order of the - - Collector, and pray that the Local Government may be - - pleased to set aside the same, and pass such orders as it may deem fit,.for the following among other reasons :-

(a) The statutory power conferred by the Civil Procedure Code on the Advocate General and the Collector are almost similar if not identical with those exercised by the - - Attorney General in England with reference to Religious and Charitable Institutions. "The right of the Attorney General to file an information is founded on the prerogative of the Crown as parens patriae, through the medium of its proper Officer to inform the Court of and demand a - - -

remedy for an injustice perpetrated against such subjects of the Crown, e.g., Charities, as are incompetent to enforce their claim in person". Applying the same principle the Collector, as the representative of His Majesty the King Emperor of India, who is the parens patriae of all the -- Religious and Charitable Institutions in India, ought to have investigated into the truth of the averments made in the petition before him, given an opportunity to the person or persons that might directly be affected by the order of sanction to challenge and rebut the grounds put forward for his interference.

(b) "Though nominally the Plaintiff, the Attorney General (the Collector in the present case) when appearing on behalf of a Charity is not like an ordinary Plaintiff endeavouring to obtain redress for a private wrong, for it is one of his duties to protect the Defendant (persons in the position of the Petitioner herein) against any hardships he may suffer at the hands of relators (the persons who lay the information) e.g., if they withhold documents or other necessary information." In the present case various untrue and incorrect allegations have been made by the applicants in order to obtain the sanction from the Collector. Not even an - - affidavit has been filed by the applicants in proof of the various facts alleged in the petition.

(c) "The Collector in giving his consent to the institution of a suit under Section 539 of the C.P. Code (which corresponds to section 92 of the present Code) has to - - exercise his judgment in the matter, and see whether there are prima facie grounds for thinking that there has been a breach of trust."

If an opportunity had been afforded to the Petitioner herein he would have satisfied the Collector beyond doubt, that everything concerning the Mosque was all right, that all the worshippers excepting the applicants and their followers who form a microscopic minority have recognised the Petitioner as their Muthuvalli, that the allegations as to breach of trust, were unfounded and in short that there was absolutely no need for the interference of the Collector in the management of the Mosque.

(d) To the best of the Petitioner's knowledge and information, the practice of the Collector of the Civil and Military Station, in dealing with applications under Section 92 of the C.P. Code, has been to give notice to the opposite party to show cause why sanction should not be given, to receive their written statement or objections if any, in writing, to take some prima facie evidence if he considers necessary, to hear both sides, and then dispose of the petition either by granting or rejecting the same.

The Petitioner has annexed hereto the Notices which were issued by the Collector to the party against whom the sanction was applied for, in two other cases of a similar nature. The other annexure, namely, B, B/1, B/2, & C will also testify to the correctness of the facts stated above.

(e) The Collector in granting sanction has exercised the powers conferred on him by the Local Government under Section 93 of the C.P. Code and as such although his order is not judicial but executive, the propriety or regularity of the same can be gone into and questioned by the Local Government, which has delegated some of its functions to

the Collector. The Civil Procedure Code provides for no remedy in such cases, and the only remedy open to the -- Petitioner in the present case, is to appeal to the Local Government, which alone is competent to interfere in the matter under reference.

(f) The Petitioner has hereunto annexed for reference the Mahazar of the Cutchi Memon Jamayat of the Mosque, acknowledging the Petitioner as the Muthuvalli and of the proceedings relating to his election as such. Annx:-'D'.

The Honorable the Resident rejected the petition of two of the applicants herein, when they applied in O.S. No.6 of 1921, for the appointment of a Receiver in place of the Petitioner for the management of the mosque.

The Order is copied in annexure "E".

The Petitioner further respectfully prays that the Government may be pleased to direct the Collector of the Civil and Military Station, Bangalore, to stay the - - - prosecution of the suit pending the disposal of this - - petition to Government. Although the suit which is now pending before the District Court - namely O.S.No. 32 of 1924 - purports to be filed by four private individuals, the Collector is according to legal fiction, the real Plaintiff and has the absolute control of the proceedings pending in Court and which stands posted for written -- statement to the 1st September, 1924.

عبد النبی الاولی السید محمد ولد السید احمد الحسینی بحر طوالہ.

T. B. Rangachar Advocate
C. & M. Station,
Bangalore,
26th August '24.

Petitioner.

Annexure 'A'

In the Court of the District Judge,

Civil and Military Station, Bangalore.

Before: B.Rama Rao,Esq.,B.A.,B.L., District Judge.

Original Suit No. 6 of 1921.

Plaintiffs.	versus	Defendants.
1. Khan Bahadur Haji Ismail Sait, residing in Essex Lodge, Spencer Road, C & M Station, Bangalore.		1. Haji Syed Shah Mohamad Abdul Ga ffar Sahib, Sir Kadri died after suit.
2. Oomar Abdul Rahiman Sait, son of Abdul Rahiman Sait, residing at 253, Narain Pillay Street, C & M Station, Bangalore.		2. Syed Abdul Khudus alias Pasha Jan minor by his mother and guardian, 3rd defendant (See Mis.E/20 o f 1922.
3. Haji Ali Mohamad Sait, son of Haji Mohamad Sait, residing at Hospital Road, C & M Station, Bangalore.		3. Fathima Bi, widow of the deceased 1st defendant.
4. Abu Bucker Ismail Sait, son of Ismail Sait, residing in Cavalry Road, C & M Station, Bangalore.		4. Hakim Syed Abdul Hakim Saib.
		5. Dada Jon Sahib.
		6. Syed Abdul Hafeez Sahib.
		7. Syed Ja ffar Sahib, all residing in No. 10, Chickbazaar
		8. Peer Hyder Shah Sait, residing in Dharmaraja Street, C & M Station, Bangalore, (amended as per orders dated 1-12-23 in Mis.E/19 of 1923).

x x x

13. The 5th issue. Since neither the 2nd nor the 8th de fendant is the duly constituted Muthavalli or the Pesh Imam of the Mosque it would be unreasonable to direct the plaintiffs to obtain the permission of either of them for the performance of the ceremonies. In my predecessor's order dated 22-8-1921 he stated as follows:-

" The de fendant's position in the Mosque should be maintained and therefore in granting the injunction I will direct that the ~~xxxxxx~~ ceremonies should be performed by the defendant or anybody nominated by him". When that order was passed the late defendant was the Pesh Imam of the Mosque and his permission had necessarily to be obtained for conducting

the

the ceremonies in the mosque and the cemeteries. But since his death circumstances have altered and there is nobody now in existence whose permission could be obtained. Under these circumstances it seems to me that until some one is appointed by the Jamayat as the Muthavalli and Peish Imam the Plaintiffs are entitled to get the ceremonies performed by any competent person out of the congregation, assembled at the time. This is the only ~~mmk~~ solution at present but it is to be hoped that the community will take early steps to put an end to the unfortunate condition of affairs and appoint either the 2nd de fendant or some suitable person as the Muthu-valli and Peish Imam. If the Local Government appoints a suitable person as the Sir Khaji probbbly he will be recognised by the community as the Muthuvalli and Peish Imam like his two immediate predecessors.

x x x

Prohounced in Open Court this 16th day o f April 1924.

Sd/ B. Rama Rau,

District Judge.

Translation of Annexure "D."

In the name o f God, the Benevolent, the Merciful.

To day the 3rd June 1924 on Tuesday at 9.30 P.M. at the call of Abdul Gaffoor Haji Mohamad Sait (which was sent round this morning). The members of the Catchi Memon Jamayat assembled at the premises of Ebrahim Hussain Sait Sahib, situated in Commercial Street. Aulee Janab Peer Syed Hyder Shah Sahib "Khibla Mudh Zull-uhul Aulie" who since the 4th of January 1922 is discharging the duties of Muthavalli of the Jama Musjid cemetery, Old Idgah and its connected pro-perties which are under his possession and management. We unanimously appoint him the Muthuvalli of the above said places and by attesting our signatures upon this are permitting We Abdul Gaffoor Haji Mohamad Issack Sait to send a copy o f this to Press, Honourable the Resident Sahib Bahadur, Collector Sahib, Police Superintendent Sahib and District and Sessions Judge Sahib, for their information.

Signatures are detailed below:-

1. Abba Haji Mohamad.
2. Mohamad Siddick.
3. Yunus Hamed.
4. Abu Bucker Abdul Rahman.
5. Mohamad Elias Haji Ebrahim Sait.
6. Eyoob Abdul Kareem.
7. Ahmed Mohamad Sait.
8. Mohamad Hasham Oosman Sait
9. Abdulla Siddick Sait.
10. Abdul Sattar Abdul Kareem.
11. Ali Mohamad Moosa Sait.
12. Mohamad Zakria Bin Saleha Mohamad.
13. Abdul Kareem Haji Mowladeena.
14. Elias Fazal Mohamad.
15. Abdul Lateef Haji Gul Mohamad.
16. Ebrahim Haji Mohamad.
17. Ebrahim Hussain.
18. Mohamad Elias.
19. Abdul Shacoor Ismail.
20. Ebrahim Kareem Bina
21. Ahmed Haji Ebrahim.
22. Isack Siddick.
23. M. Yoosoof.
24. Abdul Gaffoor Haji Mohamad.
25. Haji Oosman Sait.
26. M.Zakria Abdul Rahiman
27. Abu Bucker Abdul Kareem.
28. Abdulla Sulaiman.
29. Ali Mohamad Abdul Rahiman
30. Mohamad Haji Adam Sait.
31. Omar Ibrahim Sait.
32. Sulaiman Haji Ebrahim.

33. Mohamad Jaffar Ibrahim Sait. 34. Abdul Hamid Bin Abba Sait.

35. Ahmed Ebrahim. 36. Ali Mohamad Yacoob.

37. Ahmed Ali Mohamad. 38. A Hameed Khassim.

39. Gulam Hussain Bin Ali Mohamad Haji Alla Rakha.

40. Siddick Hassan Sait. 41. Ebrahim Khassim.

42. Abdul Rahman Haji Ebrahim Daroga. 43. Gul Mohamad Sait.

44. Issack Khassim 45. Haji Khassim Haji Siddick.

46. Ismail Sait, ——— 47. Ebrahim Sait son. Ali Mohamad Essack.

48. Haji Ahmed Ismail. 49. Abdul Kareem Sait Bin Ahmed Sait.

50. Abdul Shacoor Yusuf Sait. 51. Abdulla Yusuf Sait.

52. Mohamad Hasham Yusuf Sait. 53. Ali Mohamad Abdul Rahiman Sait

54. Adam Siddick. 55. Dawood Ebrahim.

56. Oosman Bin Ebrahim. 57. Yusuf Ebrahim Sait.

58. Abdul Khader Elias Sait. 59. Mohamad Haji Iyoob.

60. Fazal Mohamad Haji Esack. 61. Essack Ali Mohamad Sait.

62. Abdul Kareem Essa. 63. Oosman Siddick.

64. Abdul Sattar Oosman Sait. 65. Mohamad Essa Oosman Sait

66. Joosub Haji Ebrahim. 67. Oomer Haji Ebrahim.

68. Abdul Hameed Haji Iyoob. 69. Ebrahim Haji Mowla Deena.

70. Ramjoo Sait. 71. Mohamad Abdulla.

72. Sala Mohamad Haji Mowla Deena. 73. Haji Jan Mohamad Haji Abdul Kareem Sait.

74. Ebrahim Essack Sait. 75. M.Iyoob Sait son of Moosa Sait.

76. Ebrahim Siddick Sait. 77. Abdul Hameed Jacob Mohamad.

78. Haroon Abdulla. 79. S.M.Hashan.

80. Abi Bucker Haji Ebrahim. 81. Jan Mohamad Yacoob.

82. Haji Abdul Sattar Hassan Sait. 83. Haji Sulaiman Haji Ebrahim.

84. Mohamad Ismail Mohamad Elias Sait. 85. Elias Haji Hamed China.

86. Haji Hasham Ismail Sait. 87. Ibrahim Abdulla Sait.

88. Ahmed Ebrahim Sait. 89. Abdul Sattar Haji Ahmed.

90. Mohamad Siddick Bin Abdulla Sait. 91. Ebrahim Haji Mowladeena.

92. Mohamad Hasham Salaha Mohamad. 93. Salaha Mohamad Noor Mohamad.

94. Abdul Latiff Mohamad Sait. 95. S.M.Sulaiman.

96. Abdul Razack Mohamad. 97. Ali Mohamad Haji Sulaiman.

98. Busco f Abu Bucker. 99. M.Ilias Yacoob Sait.

100. Rahmatulla Bin Haji Iyoob. 101. Zackria Ismail.

102. Abdul Hamid Yacoob Sait. 103. Ismail Yacoob.

104. Yacoob Abdulla Sait. 105. Ahmed Mowlana Sait

106. Oosman Mowlana Sait. 107. Ismail Yusoof Sait.

108. Abdul Rahim Sait, son of Ahmed Iyoob Sait.

109. Abdul Shacoor Haji Ebrahim.

110. Moosa Abdul Rahman.

111. Gool Mohamad Adam.

112. Haji Saliah Mohamad Hajee Haroon.

113. Hajee Dawood Hajee Haroon.

114. Hajee Mohamad Hajee Haroon.

115. Hajee Abdul Hameed Hajee Haroon.

Annexure E.

IN THE COURT OF THE RESIDENT IN MYSORE,

BANGALORE.

Saturday the 11th day of August 1923.

Before the Hon'ble Mr. W.P.Barton,C.S.I.,C.I.E.,

Resident.

Civil Miscellaneous Appeal No. 3 of 1923.

1. Khan Bahadur Haji Sir Ismail Sait.
2. Oomar Abdul Rahiman Sait.
3. Haji Ali Mohamad Sait.
4. Abu Bucker Ismail Sait.

Appellants (Plaintiffs).

versus.

1. Haji Syed Shah Mohamad Abdul Gaffar Sahib.
2. Fathma Bi, mother and guardian of minor Syed Abdul Khuddus, alias Pehha Jan.
3. Hakim Syed Abdul Hakim Sahib.
4. Dada Jan Saheb.
5. Syed Abdul Hafeez Sahib.
6. Syed Jaffar Sahib.
7. Peer Hyder Shah Sahib.

Appeal against the order of the District Judge, Civil and Military Station, Bangalore, in Mis/ E/19 of 1922 in O.S.No. 6 of 1921.

This appeal coming on for hearing on Saturday the 11th August 1923, the Court delivered the following.

Judgment.

The present appeal is one of the stages in a suit brought about two years ago by Haji Sir Ismail Sait against the Manager (the Sar Khazi) of the Jama Mosque in the Civil and Military Station of Bangalore with a view to ensuring his right to worship and carry our certain ceremonies in the mosque. An ad interim injunction was passed against the original defendant restraining him from placing hindrances in the way of the exercise of the rights claimed by the plaintiff. The Sar Khazi died in the beginning of 1922 and the injunction lapsed. The next step in the suit should have been to bring his

used in Plaintiff's affidavit it would appear that Peer Haider Shah has practical control of the Mosque and consequently the argument based on the struggle for possession between him and the late defendant's successors has no real value. Plaintiff's quarrel would appear to be with Peer Haider Shah. If waste, mismanagement or ~~danger~~ damage to the property could be alleged that might strengten the plaintiff's case but there is no clear allegations of the kind. The District Judge, was, I think, right in declining ~~him~~ to appoint a Receiver and I am not prepared to interfere on appeal. As I have already observed plaintiff can at once cause Peer Hyder Shah to be brought on the record and he can then apply for an ad interim in junction in the terms of the previous injunction. This, I think, is the correct procedure in the present case. I disallow the appeal accordingly Costs will follow the result of the suit.

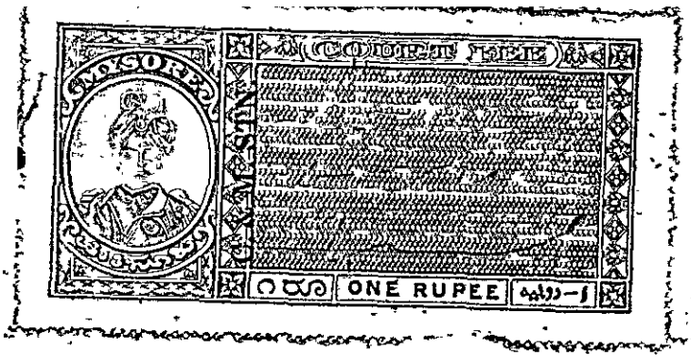
Sd/ W.P.Barton,

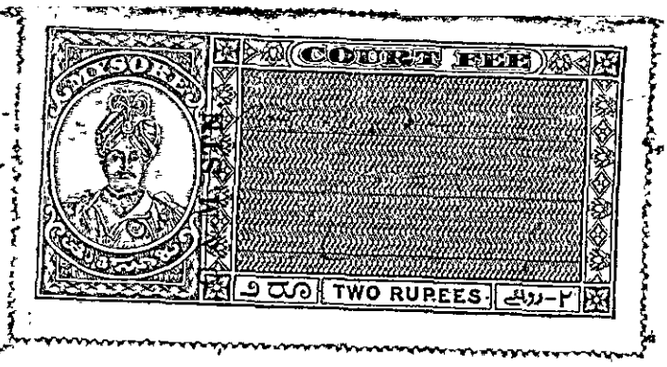
Resident.

" True Copy "

Sd/ A.M.Peris,

Registrar.





In the Court of Before the Hon'ble the Resident in Mysore at **Bangalore,.**

CASE No.....OF 192 . 192

~~*Plaintiff.*~~		*Defendant.*
Petitioner / Appellant		
Peer Hyder Shah Khadri	*Versus*	

I the above named appellant

by these presents retain T. B. RANGACHAR, ESQ., B A., B.L., Advocate, for me and in my/our name to conduct the aforesaid case.

ALSO to execute any decree that may be passed in my/our favour, and to recover and receive all and every sum and sums of money, document or documents or other property, and to grant sufficient receipts for the same. And I/we undertake to ratify and confirm all legal acts done or caused to be done by my/our said Advocate in the case by virtue of these presents.

IN WITNESS whereof I have hereunto set my hand this 26th day of August 1924.

عبد النبی الاری المیسوری التاجر الحنفی بحر ۱۵ والہ

Accepted.
T B Rangachar
Advocate

Signed by the Executant who is known to me, in my presence.

I hereby certify that the Regulation fee has been received by me in the above case.

Advocate.

~~*Advocate.*~~

V. Naid & Co., Power Press, Banga.

To

The Honourable the Resident in Mysore,

at B A N G A L O R E.

Through

The Secretary to the
Honourable the Resident in Mysore,
Civil and Military Station, Bangalore.

In the matter of the sanction given by the Collector, Civil and Military Station, Bangalore, under Section 92 of the C.P. Code, for filing a scheme suit in respect of the Jame Musjid, Old Poor House Road, Bangalore.

The humble petition of PEER SYED HYDER SHAH KHADRI, the duly constituted Muthuvalli of Jame Musjid, Old Poor House Road, Bangalore, and residing at premises No.103, Dharmaraja Koil Street, Civil and Military Station, Bangalore.

A F F I D A V I T.

I, Abdul Gafoor Hajee Mahomed Sait, a Cutchi Memon Mahomedan residing at 182, Commercial Street, Civil and Military Station, Bangalore, do hereby solemnly and sincerely affirm as follows :-

That the Mahazir annexed hereto is a correct representation of facts and the signatures of various persons appearing thereon are genuine and are really those of the persons

persons whose signatures they purport to be.

Signed before me

this 26th day of August, 1924.

DISTRICT MUNSIF'S COURT
CIVIL & FMLY. STATION
BANGALORE

Assistant Commissioner
Court
Bangalore

S. 23 (a).—R. P. B.—6-1919.—5,000.

Memorandum.

No. 7066.

Bangalore, dated 3rd Septr. 1924

From

The Secretary to the Resident.

To Seer Syed Hyder Shah Zehadri,

Residing at premises No. 103,

Dharmaraja Koil Street,

C.M.H. Station, Bangalore.

Subject Mutwallishipp of the Jumma Musjid situated in old Poor House Road

With reference to his petition, dated the 26th August 1924, Seer Syed Hyder Shah Zehadri is informed that the Hon'ble the Resident sees no reason to interfere in the matter

Sd. N. Calder.
Secy. to the Resident

S.70 Cover

C.M.S. 30/8/24

9 30/8

Register No. 6645
Date of Receipt 9.9.24

To

The Hon'ble The British Resident
in Mysore. C/o on-station
Bangalore

Through

The Secretary to the British Resident
C/o on-station. Bangalore.

From

Peer Syed Hyder Shah.
Memorialist.

The Petitioner (Memorialist)
prays for the return of the Exhibits
produced ie B. B/1 B/2 & 2A and D of
the ~~above~~ Memorial.

J. B. Ranganathan
Advocate for Memorialist

Bangalore
9th Septr 24

S. 23 (a).— R. P. B.—6-1919.—5,000.

Memorandum.

No. 7378 En 5

From

The Secl. to the Resident

Bangalore, dated 13/9/1924

To T. B. Rangachar, Esq., B.A., B.L.,
Advocate,
Cantonment, Bangalore.

Subject. Mutwalliship of the Jumma Masjid in Old Coorg House Road.

"S.T.2" (Encl.) With reference to his application, dated the 9th September 1924, Dr. Rubis B.A., B.L., and C.D. provided with the memorial of Seid Sajad Hyder Shah Khadri are returned.

for Lt. W. Carter
Secl. to the Resident

10/9/24 13/9

76

29, Infantry Road,
Bangalore, -3rd Novr. 1924.

To,

The Hon'ble the British Resident in Mysore,

Bangalore.

Sir,

I herewith enclose a summary of the Proceedings at a Meeting of the Cutchi Memon Jamayat of Bangalore which was held last night for your kind information.

I beg to remain,

Sir,

Your most obedient servant,

Ind Elyas Hafee Ebrahim Suit

RESIDENT'S OFFICE,
5 NOV 24
BANGALORE.
No. 8040
Date of Receipt 4.11.24
No. 1163

" Proceedings at the Meeting of Cutchi Memon Jamayat ".

At the request of Messrs. Haji Osman Ebrahim Sait, Mohamad Illias Haji Ebrahim Sait, Abdul Gaffoor Haji Mohamad Sait, Haji Saleh Mohamad Haji Haroon Sait and Abdul Hameed Cassim Sait, the Cutchi Memon Jamayat of Bangalore, assembled on Sunday the 2nd November 1924 at 9.30 P.M. at the premises of Mr. Ebrahim Hussain Sait, situated in Commercial Street, Bangalore

A letter of resignation of 1st November 1924 addressed to the Jamayat from His Holiness Peer Syed Hyder Shah Saheb Khadri Muthawalli of the Jam-ai-Musjid, Idgah, Cemeteries & their connect-ed properties, stating that as he has to leave for Calcutta on 3rd November 1924 on important business, expressing the probabi-lity of a long absence requesting the Jamayat to appoint some one else as a Muthawalli for the above Institutions was read out and accepted.

After recording thanks for the valuable service rendered by His Holiness Peer Syed Hyder Shah Saheb Khadri the Jamayat unanimously appointed Mr.Abdul Gaffoor Haji Mohamad Sait, Mutha-walli of the above Institutions, and authorised Mr. Mohamad Illias Haji Ebrahim Sait to send the summary of the above pro-ceedings to the "Daily Post", Bangalore, for publication and also to the Honourable the British Resident in Mysore at Bangalore the District and Sessions Judge, the Collector, and the District Superintendent of Police of Civil and Military Station, Bangalore for information.